

1 10 years; the expert's compensation for his review and testimony; and a list of all other cases
2 in which the expert has testified at trial or at deposition in the past 4 years. Plaintiff has
3 completely failed to supply an expert's report.

4 Sanctions such as those requested by the Defendant for failure to disclose a report
5 meeting the requirements of Rule 26(a)(2)(B) are "automatic and mandatory" unless the party
6 failing to disclose can show the failure was justified or harmless. *Keach v. U.S. Trust Co.*, 419
7 F.3d 626, 639-40 (7th Cir. 2005); *Jacobsen v. Deseret Book Co.*, 287 F.3d 936, 952-53 (10th Cir. 2002)
8 (listing factors to be considered in determining the existence of substantial justification or
9 harmlessness). Here Plaintiff has given no explanation as to why her failure to disclose an
10 expert's report was justified or harmless.

11 **IT IS HEREBY ORDERED** that Defendant's Motion to Strike Plaintiff's Disclosure of
12 Expert Witness (Doc. #19) is **GRANTED**.

13 DATED: July 15, 2008.

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UNITED STATES MAGISTRATE JUDGE
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